

UNITED STATES DISTRICT COURT

Eastern District of Michigan

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

v.

ASPHALT SPECIALISTS LLC

Case Number: 0645 2:23CR20700 (1)

Kenneth M. Mogill & Paul Nathanson

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

<input checked="" type="checkbox"/>	pleaded guilty to count(s)	1 & 2 of the Information
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	

The organizational defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense
15 U.S.C. § 1 Conspiracy to Restrain Trade

Offense Ended
May 2021

Count
1&2

The defendant organization is sentenced as provided in pages 2 through 4 of this judgment.

- ☐ The defendant organization has been found not guilty on count(s)
- ☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: 38-2739111

Defendant Organization's Principal Business Address:
170 E. Highwood
Pontiac, MI 48340

Defendant Organization's Mailing Address:
170 E. Highwood
Pontiac, MI 48340

August 15, 2024

Date of Imposition of Judgment

s/Gershwin A. Drain

Signature of Judge

Gershwin A. Drain**United States District Court Judge**

Title of Judge

August 15, 2024

Date

DEFENDANT: Asphalt Specialists LLC
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PROBATION

The defendant organization is hereby sentenced to probation for a term of:

No term of probation is imposed.

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organization's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT: Asphalt Specialists LLC
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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the total criminal monetary penalties under the schedule of payments.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$800 (paid)	\$6,500,000.00	None

- ☐ The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☐ The defendant organization must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant organization shall pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:
- | | | |
|---|-------------------------------|--|
| <input type="checkbox"/> the interest requirement is waived for the | <input type="checkbox"/> fine | <input type="checkbox"/> restitution |
| <input type="checkbox"/> the interest requirement for the | <input type="checkbox"/> fine | <input type="checkbox"/> restitution is modified as follows: |

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Asphalt Specialists LLC
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SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payments of \$ 6,500,800.00 (fine and special assessment) due immediately, balance due
- ☐ not later than _____, or
- ☒ in accordance with ☒ C or ☐ D below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C or ☐ D below); or
- C** ☒ Payment in the following installments, with accrued interest, over a period of five years, to commence within 30 days of this judgment:
- \$1,083,333.33 (plus any accrued interest) within 30 days of imposition of sentence,
 - \$1,083,333.33 (plus any accrued interest) at the 1-year anniversary of imposition of sentence,
 - \$1,083,333.33 (plus any accrued interest) at the 2-year anniversary of imposition of sentence,
 - \$1,083,333.33 (plus any accrued interest) at the 3-year anniversary of imposition of sentence,
 - \$1,083,333.33 (plus any accrued interest) at the 4-year anniversary of imposition of sentence,
 - \$1,083,333.35 (plus any accrued interest) at the 5-year anniversary of imposition of sentence
- D** ☐ Special instructions regarding the payment of criminal monetary penalties:

All criminal penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.